



FINAL REPORT

Judicial District and Judicial Resources Study Committee

March 2005

MEMBERS:

Senator Donald Redfern, Cochairperson
Senator Gene Fraise
Dennis Anderson, Des Moines
Megan Antenucci, Des Moines
Jackie Armstrong, Mason City
Mike Bollard, Pocahontas
Curt Campbell, Fairfield
Judge Stephen Clarke, Waterloo
Virginia Cobb, Dallas Center
Deborah Dice, Ottumwa
Tom Drew, Des Moines
Jay Eaton, Des Moines
Barbara Edmondson, Washington
Shirley Faircloth, Marshalltown
Joe Holland, Iowa city
Fred James, Des Moines

Representative Gene Maddox, Cochairperson
Representative Kurt Swaim
Julie Johnson, Washington
Carmen Loveland, Mason City
John McClintock, Des Moines
Rhonda Millhollin, Corning
Judge John Nahra, Davenport
Randy Osborn, Des Moines
Carolee Philpott, Hampton
Judge David Remley, Cedar Rapids
Elisabeth Reynoldson, Osceola
Marty Ryan, Des Moines
Judge Annette Scieszinski, Albia
H. Richard Smith, Des Moines
Justice Marsha Ternus, Des Moines

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AUTHORIZATION AND APPOINTMENT

In June 2003, the Legislative Council established the Judicial District and Judicial Resources Study Committee pursuant to a request contained in 2003 Iowa Acts, House File 694, (ch. 151), sec. 66. The 31-member study committee was charged to study judicial district and judicial election district redistricting, the allocation of Judicial Branch resources, and various specific elements of these topics listed in the legislation. The legislation provided for various organizations and interests to have membership slots and the Legislative Council provided a process for submission of nominations. The study committee was authorized in 2003 to hold six meetings for the 2003 interim and met at the Statehouse on October 7, November 12, and December 17. The study committee was authorized for one additional meeting in the 2004 interim and met at the Statehouse on November 9, 2004.



Judicial District and Judicial Resources Study Committee

I. Public Membership Affiliations.

Sheriff Dennis Anderson, representing Iowa Sheriffs' and Deputies' Association
Megan M. Antenucci, representing Iowa Defense Counsel Association
Jackie Armstrong, representing Iowa Trial Lawyers Association
Mike Bollard, representing Iowa County Recorders Association
Curt Campbell, representing Department of Corrections Judicial Districts
Judge Stephen Clarke, representing Iowa Judges Association
Virginia Cobb, representing Iowa Association of Magistrate Judges
Deborah Dice, representing District Court Administrators
Tom Drew, representing Iowa Trial Lawyers Association
Jay Eaton, representing Iowa State Bar Association
Barbara A. Edmondson, representing Iowa County Attorneys Association
Shirley Faircloth, representing Juvenile Court Officers' Association
Joe Holland, representing Iowa State Bar Association
Fred James, representing Iowa Trial Lawyers Association
Julie Johnson, representing Iowa Clerks of Court Association
Carmen Loveland, representing Iowa Court Reporters Association
John McClintock, representing Iowa Academy of Trial Lawyers
Rhonda Millhollin, representing Iowa County Supervisors Association
Judge John Nagra, representing Iowa Judges Association
Randy Osborn, representing Iowa Clerks of Court Association
Carolee Philpott, representing AFSCME-Iowa
Judge David Remley, representing Supreme Court of Iowa
Elisabeth Reynoldson, representing Iowa State Bar Association
Marty Ryan, representing Iowa Civil Liberties Union
Judge Annette Scieszinski, representing Iowa Judges Association
H. Richard Smith, representing Supreme Court of Iowa
Justice Marsha Ternus, representing Supreme Court of Iowa

II. November 9, 2004, Meeting.

A. Overview.

The committee continued its discussion from the 2003 interim and received testimony from the Judicial Branch and National Center for State Courts (NCSC) regarding the development of a judicial workload model and the implementation of best practices.

B. Judicial Branch.

Justice Marsha Ternus, Iowa Supreme Court, provided an overview of the challenges facing the Iowa Judicial Branch. She stated the Judicial Branch continues to struggle with the equitable distribution of current resources and is making a good faith effort to stay within their budget. Justice Ternus noted that the challenges within the Judicial Branch have also created opportunities. She stated audit teams have been formed to implement best practices in certain clerk of court offices around the state. She stated juvenile court officers are also studying implementing best practices and that time standards to process cases are being restudied. Justice



Ternus also stated that while the number of overall case filings have declined, the demand for judicial services has increased because more complex cases are being handled by the Judiciary.

C. National Center for State Courts (NCSC).

Mr. Daniel Hall of the NCSC stated that the keys to effective court administration are centered around three principles: 1) obtaining resources, 2) being accountable for the resources obtained, and 3) managing those resources. He noted that historically, courts justify their requests for resources through the number of court filings. However, he said courts around the country are now moving toward establishing workload assessment models as a way of determining the amount of resources needed to effectively manage the courts. Members of the committee commented that the current Iowa Judicial Model established by the NCSC does not factor in the use of best practices among the judicial districts. Mr. Hall commented that best practices are difficult to quantify, since best practices vary among the districts. Senator Redfern commented that establishing credibility of the Iowa Judicial Model is key to obtaining consensus from the various constituency groups. Mr. Hall stated that it appears from the Iowa Judicial Model that Iowa has enough judges but some judges are not in the right places. Senator Fraise commented that his constituents do not want to see consolidation in the court system.

D. Next Steps.

The committee concurred that an assessment of judicial workloads needs to be performed and discussed the possibility of reviewing new options for implementing some type of measurement for reviewing judicial workloads.

III. Consideration of Recommendations.

After the November 9, 2004, meeting, the Committee circulated draft recommendations by electronic means and by mail. The Committee agreed upon the recommendations in Division IV of this report.

IV. Recommendations.

The Judicial District and Judicial Resources Study Committee adopts the following recommendations for the 2005 General Assembly, the Executive Branch, the Judicial Branch, and the citizens of Iowa:

1. The Committee concludes the statutory formulas providing for the number and placement of judicial officers as set forth in the Code of Iowa are no longer an accurate measure of the need for judicial officers; the Committee recommends that an advisory committee should be formed to recommend substitute legislation.



Judicial District and Judicial Resources Study Committee

2. A judicial resources study committee (advisory committee) should be authorized as an advisor to the Legislative Branch, the Executive Branch, and the Judicial Branch regarding the need for judicial officers and staff. Members of the advisory committee shall be selected in the same manner (by the same groups and in the same numbers) as members were selected for this Study Committee.
3. The advisory committee should develop a model to measure judicial activity in order to determine the appropriate number and placement of judicial officers and staff in the state of Iowa. It is essential the model take into account the need to make the courts readily accessible to all citizens throughout the state and take into account local practices. In developing a model for measuring judicial activity the advisory committee should contract with the National Center for State Courts (NCSC) or a similar consultant to work with the advisory committee in developing a model of measuring judicial activity.
4. The General Assembly in 2005 should provide sufficient funds to hire the consultant for the Committee and the Committee should complete its work and file a report by the first day of the 2006 Legislative Session. As the review process is expected to take at least 6 months the Advisory Committee should commence its work by June 1, 2005.
5. Implement the Committee's recommendations from the 2003 Interim.

V. Materials submitted to the Judicial District and Judicial Redistricting Committee and on file with the Legislative Services Agency.

- A. Assessing Court Performance by the National Center for State Courts.
- B. Iowa Workload Assessment by the National Center for State Courts.

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